

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ANTHONY T. TANKER,

Plaintiff,

vs.

COMMISSIONER OF
SOCIAL SECURITY,

Defendant.

CASE NO. 1:13-CV-00812

OPINION & ORDER

[Resolving Doc. Nos. [17](#) and [18](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

On August 21, 2013, Plaintiff Tanker filed a motion to dismiss.^{1/} The matter was referred to Magistrate Judge Kenneth S. McHargh. On September 5, 2013, Magistrate Judge McHargh issued a Report and Recommendation that recommended this Court grant Plaintiff's motion to dismiss.^{2/}

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection.^{3/} Parties must file any objections to a Report and Recommendation within fourteen days of service.^{4/} Failure to object within this time waives a party's right to appeal the magistrate's report.^{5/} Absent objection, a district court may adopt the magistrate judge's report without review.^{6/}

In this case, neither party has objected to the Magistrate Judge's recommendation. Accordingly, the Court **ADOPTS** in whole Magistrate Judge McHargh's Report and Recommendation and incorporates it fully herein by reference, and **GRANTS** Plaintiff Tanker's

^{1/}Doc. [17](#).

^{2/}[Doc. 18.](#)

^{3/}[28 U.S.C. § 636\(b\)\(1\)\(C\).](#)

^{4/}[Fed. R. Civ. P. 72\(b\)\(2\).](#)

^{5/}[Thomas v. Arn, 474 U.S. 140, 145 \(1985\); United States v. Walters, 638 F.2d 947, 949-50 \(6th Cir.1981\).](#)

^{6/}See [Thomas, 474 U.S. at 149.](#)

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motion to dismiss.

IT IS SO ORDERED.

Dated: September 21, 2013

s/ *James S. Gwin*
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE